

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICOLAS IBARRA, et al.,

Plaintiffs,

v.

KILOLO KIJAKAZI, et al.,

Defendants.

Case No. [23-cv-01037-SI](#)

**ORDER DENYING PETITION FOR
REMOVAL OF GAL**

Re: Dkt. No. 82

On March 29, 2024, following a hearing, the Court appointed Laura Huitrón as guardian ad litem for her son, plaintiff Nicolas Ibarra, who has been found not competent in his state court criminal proceedings and who is currently committed to a state hospital for an undetermined period. Dkt. No. 74. The Court denied the original GAL request, which sought appointment of Mr. Ibarra's counsel, Steven Bruce. *Id.* at 1 n.2. In the appointment order, the Court appointed Laura Huitrón "as guardian ad litem for plaintiff for the purposes of litigating this case in Mr. Ibarra's stead. As guardian ad litem, Ms. Huitrón may make litigation decisions in this case and enter into a legally binding settlement agreement on Mr. Ibarra's behalf." *Id.* at 2.

On May 14, 2024, Mr. Bruce filed a "Petition for Removal or Other Remedy in the Matter of Guardian Ad Litem Under Rule 17(c), FRCP; Declaration of Steven Bruce." Dkt. No. 82. Mr. Bruce seeks removal of Ms. Huitrón. The government has filed an opposition brief and Mr. Bruce has filed a reply brief and additional declarations. Dkt. Nos. 83, 84, 85, 89. The Court held a hearing on the matter on June 14, 2024.

"After appointing a guardian ad litem, a court maintains a continuing obligation to supervise the guardian ad litem's work." *Neilson v. Colgate-Palmolive Co.*, 199 F.3d 642, 652 (2d Cir. 1999) (citing *Dacanay v. Mendoza*, 573 F.2d 1075, 1079 (9th Cir. 1978)). "The trial court may remove a

guardian ad litem if they do not perform responsibly, either on the trial court's own motion or at a party's request. . . . A trial court may also remove a guardian ad litem if a conflict of interest arises or if the guardian ad litem has improperly represented the incompetent party." *Robbins v. Mscripts, LLC*, No. 23-CV-01381-LB, 2023 WL 4205773, at *4 (N.D. Cal. June 27, 2023) (internal quotation marks, brackets, and citations omitted).

Having considered the papers filed and the arguments of counsel, the Court DENIES the petition for removal of Ms. Huitrón as guardian ad litem for Nicolas Ibarra. The Court agrees with the government that the petition does not identify any actual or potential conflict of interest or other reason to justify the removal of Ms. Huitrón. *See* Dkt. No. 83.

IT IS SO ORDERED.

Dated: June 14, 2024


SUSAN ILLSTON
United States District Judge